

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICO ESPITIA,  
Plaintiff,  
v.  
ROBERT NEUSCHMID,  
Defendant.

Case No. [18-cv-00240-MEJ](#)

**ORDER TO SHOW CAUSE**

Petitioner, who is in custody, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The Court has reviewed the petition and concludes that it warrants a response.

Accordingly, IT IS HEREBY ORDERED as follows:

- (1) The Clerk of Court shall serve a copy of the Petition and this Order upon Respondent(s) and the Attorney General of the State of California. *See* 28 U.S.C. § 2254, Rule 4.
- (2) Respondent(s) shall then file and serve an answer in accordance with 28 U.S.C. § 2254, Rule 5 and Habeas Corpus Local Rule 2254-6. Respondent(s) shall file with the answer and serve on Petitioner a copy of all portions of the underlying state criminal record that were previously transcribed and are relevant to the issues presented by the petition.
- (3) Petitioner may serve and file a traverse responding to matters raised in the answer in accordance with 28 U.S.C. § 2254, Rule 5 and Habeas Corpus Local Rule 2254-6.
- (4) Respondent(s) may file a motion to dismiss on procedural grounds in lieu of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases. If such a motion is filed, Petitioner shall file with the Court and serve on Respondent(s) an opposition or statement of non-opposition within 28 days of the date the motion is filed, and Respondent(s) shall file with the Court and serve on Petitioner a reply

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within 14 days of the date any opposition is filed.

The Clerk shall serve by mail a copy of this Order and the Petition upon the Respondent and the Respondent's attorney, the Attorney General of the State of California.

**IT IS SO ORDERED.**

Dated: January 12, 2018

  
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MARIA-ELENA JAMES  
United States Magistrate Judge